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Canada Capital and Corporal Punishment
and Lotteries, Joint Committee of the Senate and
the House of Commons on

SECOND SESSION—TWENTY-SECOND PARLIAMENT
1955



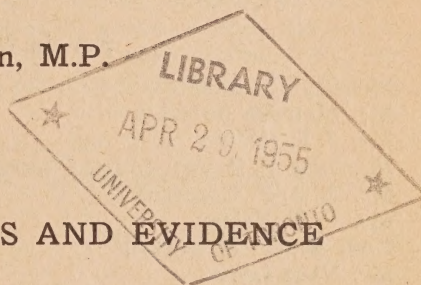
Joint Committee of the Senate and the House of Commons

ON

CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

Joint Chairmen:—The Honourable Senator Salter A. Hayden
and

Mr. Don F. Brown, M.P.



MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

TUESDAY, APRIL 5, 1955

WITNESS:

Dr. Thomas P. Dixon, Psychiatric Consultant, Burwash Industrial Farm.

Appendix: Tables 1 to 3 re Disciplinary Measures and Corporal Punishment
at Burwash Industrial Farm.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
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For the Senate (10)

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Hon. Muriel McQueen Fergusson	Hon. Arthur W. Roebuck
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For the House of Commons (17)

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Mr. Yves Leduc	Mr. H. E. Winch
Mr. A. R. Lusby	

A. Small,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

TUESDAY, April 5, 1955

The Joint Committee on Capital and Corporal Punishment and Lotteries met at 11.00 a.m. The Joint Chairman, Mr. Don. F. Brown, presided.

Present:

The Senate: The Honourable Senators Fergusson, and Hodges (2).

The House of Commons: Miss Bennett, Messrs. Brown (*Essex West*), Cameron (*High Park*), Fairey, Garson, Leduc (*Verdun*), Mitchell (*London*), Montgomery, Shipley (Mrs.), and Winch—(10).

In attendance: Dr. Thomas P. Dixon, Psychiatric Consultant, Burwash Industrial Farm; Mr. D. G. Blair, Counsel to the Committee.

On motion of the Honourable Senator Fergusson, seconded by Mr. Montgomery, the Honourable Senator Hodges was elected to act for the day on behalf of the Joint Chairman representing the Senate due to his unavoidable absence.

Dr. Dixon was called and made an oral presentation on corporal punishment based on his experiences at Burwash Industrial Farm. During the course of the questioning period, it was agreed that the following tables quoted by the witness in reference to Burwash Industrial Farm be printed as an Appendix to this day's evidence:

Table 1: Summary of Disciplinary Measures for 1952;

Table 2: Comparison of Cases of Corporal Punishment awarded by Judge and by Institution, 1951 to 1955; and

Table 3: Corporal Punishment Cases, 1951 to 1954, showing Number of Strokes and Reasons for Infliction.

It was further agreed that Counsel to the Committee would attempt to obtain comparable statistics of other institutions, such as Guelph, together with comparative appreciations of the nature and character of such institutions.

The presiding chairman expressed the Committee's appreciation to Dr. Dixon for his presentation.

The witness retired.

At 12.30 p.m., the Committee continued its proceedings *in camera*.

During its deliberations *in camera*, the Committee adopted, *inter alia*, the following resolutions:

1. That the Clerk of the Committee order and obtain as soon as possible for the use of the Committee:

(1) 30 copies of Hansard of the British House of Commons dated February 10, 1955, containing the debate on the Report of the U.K. Royal Commission on Capital Punishment (Vol. 536, No. 30);

(2) 6 copies of Hansard of the British House of Commons dated February 18, 1955, containing the debate on the motion for Second Reading of a private member's Lotteries Bill (Vol. 537, No. 36) and also 6 copies of the said Bill.

2. The Committee, having instructed Counsel on March 31, 1955, to re-examine, with the witnesses appearing on behalf of the Canadian Association of Chiefs of Police and with the Dominion Bureau of Statistics, the statistics presented by the said Association;

And having received a report thereon from Counsel;

And having noted that a statistical table, forming part of Appendix "B" to Brief No. 1 presented by Mr. George A. Shea which purported to show the number of murders and attempted murders committed in Canada in the five-year period, 1948 to 1952, in fact showed the number of convictions for these offences;

And having noted that a further statistical table, forming part of the said Appendix "B" to Brief No. 1 which purported to show the disposition of charges against persons charged with murder and attempted murder for the years 1951 and 1952, inaccurately reproduced the source of information contained in Dominion Bureau of Statistics publications entitled "Statistics of Criminal and Other Offences" for the years 1951 and 1952;

And having noted, as a consequence thereof, that the explanatory comment in the said Brief No. 1 and the questions and answers relating to the said statistical tables were inaccurate and confusing and incapable of correction—

Ordered,—That the said statistical tables, the said explanatory comments appearing in the said Brief No. 1, and all questions and answers relating thereto, be omitted from the printed evidence for March 31, 1955; that Counsel obtain from Mr. George A. Shea written confirmation of his consent to such deletion; and that an appropriate explanatory comment be inserted in the printed evidence of that day's proceedings.

At 1.00 p.m., the Committee adjourned to meet again as scheduled.

A. Small,
Clerk of the Committee.

EVIDENCE

TUESDAY, April 5, 1955.
11.00 A.M.

The PRESIDING CHAIRMAN (*Mr. Brown, Essex West*): Will you please come to order, ladies and gentlemen.

A motion will now be entertained to elect the Senate Co-chairman for the day.

Hon. Mrs. FERGUSON: I move that Senator Hodges take the chair for the day.

Carried.

The PRESIDING CHAIRMAN: Will you please come forward, Senator Hodges. (Hon. Mrs. Hodges took the chair as co-chairman for the day).

The PRESIDING CHAIRMAN: There will be an *in camera* session of this committee immediately following this meeting. It is rather important that you be here, if you will, to give the value of your opinion. It is in connection with certain evidence which has been heard by this committee which may have to be corrected or some notations made of it.

Today we have Dr. Thomas P. Dixon, Psychiatric Consultant at the Burwash Industrial Farm. If it is your pleasure I would ask Dr. Dixon to make his presentation now to us in respect to corporal punishment.

Dr. Thomas P. Dixon, Psychiatrist, Industrial Farm, Burwash, called:

The WITNESS: Mr. Chairman, and members of the committee, I would like to confine my remarks to corporal punishment and to my experiences at the Burwash Industrial Farm.

In 1951, following a disturbance at this prison, I was asked to come in and examine certain inmates because of letters which had been written to members of the provincial government concerning the corporal punishment of inmates who had, according to the statements of some of the inmates, suffered from mental illness. I was appointed as consultant at the farm in December, 1951, and have continued visiting this institution once a week throughout the year and in the course of the year I probably examined about 200 inmates, all of whom are behaviour problems or disciplinary problems in the institution.

I would like to point out, first of all, the situation as it existed in 1951. During the year 1951, 18 men received the strap; 17 were sentenced by the superintendent and one was sentenced by a judge. In 1952, 12 men were strapped, 8 by the superintendent and 4 as a result of the judge sentencing them to the strap. In 1953, there were 8 men strapped, 7 by the superintendent and one as part of his sentence. In 1954, 3 men have been strapped, two of them were sentenced by the superintendent, one of whom was strapped because of an assault by a young inmate on an elderly prisoner and the other one was a case where the individual had attempted escape on several occasions and it was felt that a swift justice should be meted out by the superintendent rather than have it go through the courts again.

Now, in my work as consultant at the farm, I first of all was very unsure as to what my function would be. Most of the security officers in the institution

were somewhat apprehensive of a psychiatrist coming in and taking over any authority from them. It was my duty to try to interpret my function as a consultant in that institution. There are two medical officers in the institution full time and it was felt that bypassing their judgment in the case of the fitness of an individual to receive corporal punishment was somewhat of a slight against their ability as physicians. However, as you can see from the figures which I have given that over the past four years there has been quite a marked drop in the number of men sentenced to the strap.

My main contention is that corporal punishment in an institution of that kind is necessary to maintain control over the prison population. Now, in the instance of the individual or the inmate who struck the elderly prisoner, if he had not received corporal punishment from the custodial staff he would have received it from the inmates. I believe that corporal punishment at the present time is necessary in an institution of that kind and I think it should be in the control of the superintendent alone because otherwise, if no such physical punishment is given, it will very soon be taken over by the other junior custodial officers in secret, to the detriment of the discipline of the institution as a whole and pretty soon the superintendent will lose control.

I also think that as a deterrent or as part of the sentence there is no place for corporal punishment. As a form of treatment or reformation of the individual, I am doubtful of the value of corporal punishment. For instance, in a jail an individual may create such a great disturbance such as shouting, screaming, banging his tin cup or the bed or just generally carrying on a destructive behaviour, keeping the staff and other inmates in a constant state of wakefulness or disturbance, and many times the governor of such a jail would feel that he would be justified in taking that man and giving him the strap. However, I feel that in a jail of that kind that the strap has no place. If anything is necessary, complete seclusion of that disturbed inmate is the thing. The strap will not reform that individual and it will probably drive deeper into the individual his resentment to authority.

I feel that in my work at the industrial farm there was a great deal of need for education in other forms of discipline besides the corporal punishment. At the time I first went there, we were faced with the possibility of removal of corporal punishment entirely from the institution and the superintendent, and I discussed this matter at length and we felt that, well, if they take corporal punishment away, what have we got in the way of disciplinary measures to put in its place? Now, that is a very serious thing because it necessitates a study of all disciplinary means and how it best can be applied. We think of discipline sometimes as a punitive type of thing, or we can think of discipline as a teaching sort of thing. We can force discipline of a kind on people. Sometimes one thinks that army discipline is of that nature. You can force individuals to march properly, to dress properly and to appear spic and span, but you will not reform them. The old army type of discipline came originally, as I understand it, from British army discipline where the leader had an all encompassing interest in his soldiers, where he looked after their welfare, food, clothing, personal problems and also taught them a sense of responsibility and loyalty to the regiment. In the same way if we are going to reform individuals and teach inmates to accept responsibility themselves we have to understand the nature and extent of discipline.

Another place in an institution where corporal punishment might be necessary is in connection with alcohol. Inmates, as you know, can make alcoholic beverages. How they do it I do not know. I have never been able to find out how they do it. But, it is quite possible that a disloyal custodian officer might sell inmates liquor or the inmates might make a still and get sufficient alcohol perhaps to treat one dormitory. A small amount of alcohol in an institution can bring about a very serious disturbance. When you have a disciplinary disturbance of that nature, you have to meet force with force.

Perhaps some individuals in the social sciences, or psychological or psychiatric field might think I was disloyal to their teachings by advocating any form of corporal punishment. I have seen the Halifax riot and no disciplinary measure other than force could control that mob. We have to have some measure of control of a physical kind. I think that in my own home if I could not spank my own child I would be talking to myself. I think it is a common understanding that there is a certain amount of physical contact in disciplining children and whether that is to straighten them out physically or mentally I am not quite sure, but it seems to do the trick and that is what we want, I think, in dealing with inmates also.

So I think that a superintendent of an institution should have at his command some means of effecting corporal punishment. But I do also feel that in any institution any superintendent who is using corporal punishment indiscriminately requires a great deal of help because he apparently is losing control of his institution.

I think corporal punishment should be available when there is violence against the staff or to the inmates. But there are other forms of punishment and there is a time and a place for corporal punishment. There was an incident while I was away from the institution and the superintendent complained that the psychological time to punish the patient was now and not a week from now when I came down to determine whether the patient was a responsible individual or not. However, it was decided that we had other forms of disciplinary action which could to some individuals be just as severe and which would give opportunity of examining the man and determining his responsibility.

There are several forms of discipline which can be used by the superintendent with the inmates. (1) He can warn them for an infraction of regulations. (2) He can cut off privileges such as shows or cigarettes or small things of that kind which are very meaningful to the inmate, or, (3) if there is some doubt as to his intelligence or as to his physical state he can be put in medical segregation for a while. (4) Or, if there does not appear to be any medical problem involved, he can be put in complete segregation which is in the section of the prison where there is a stricter supervision and less privileges. You can vary these segregations with varying amounts of diminishing privileges so that you have a fairly wide group of disciplinary measures to fit the individual. (5) Another method would be loss of good conduct remission. As you know, men in prison regardless of what their sentence is, are given remission of sentence for good conduct. Perhaps in men with longer sentences the taking away of good conduct remission is not such a severe thing, but in the institution in which I was working where the inmates have to be less than two year sentences and are all recidivists, the loss of good conduct time is certainly meaningful particularly when it comes to the time when they should be going out and they are not. (6) Then there is the method of disciplining them by complete segregation where there is no possibility of any noise or destructive behaviour on the part of the inmate disturbing anybody in the institution and where he loses his status as a member of his group. That is one of the things that seems to be the hardest for an inmate to bear, the fact that he cannot go back to his group and brag he was a hero while taking corporal punishment. He loses his status; he is forgotten, and he begins to examine his conscience very carefully and asks for return of his privileges. Those are the methods which the superintendent has used in dealing with the individuals at Burwash to get away as much as possible from the need for corporal punishment. There has been some resentment on the part of the members of the staff about this sort of soft approach

to the problem, but as they have become used to the situation they have learned to respect and appreciate judgment of the superintendent, psychiatrist, medical officers and custodial officers. The psychiatrist is, I suppose, a fifth wheel, but nevertheless I think they have valued my judgment.

Why do these individuals require this disciplinary control? As you know there would not be many people in jail if it were not for their emotional problems—their problems in dealing with and controlling their feelings. We could go back into the history of case after case and see where an individual inmate has rebelled against authority. He has rebelled against his father, or if there is no father, then against society. But that information does not do us much good when we are trying to restrain him. He rebels against the authority of the superintendent of the institution because the superintendent is, technically, his father, and the emotional problems that this man has, flare up periodically, and unless the inmate's immediate demands are met he loses control, strikes out at those around him, or refuses to work. He is a behaviour problem child—reverting to an infantile level. We can understand that behaviour when we see it in children, but we expect more of adults. But you cannot handle emotions with logic.

There are periods in an institution which seem to bring on greater outbreaks of disturbance, such as the time before Christmas, before Easter, in the spring, and in the first few months when an inmate comes into an institution, when he is in a disturbed state of mind. Many of them are then very depressed; some of them are potentially suicidal. Then again, this disturbed period occurs in the case of men who have only a few weeks to go before their discharge. There is an increasing amount of anxiety in the patient. He begins to lose control. During this period many inmates have asked the custodial officers to put them in segregation so they would not lose "good time". When such demands are not met, or if they are disregarded, such inmates get into difficulties, and it is hard to decide which one should be in segregation and which should not. It is only cooperative work between the psychiatrist, medical officer and custodial staff which enables a decision to be made in such cases.

The other aspect of corporal punishment concerns the judicial sentence. I wonder why the sentence is given in the way it is now. Rather than give a man four years, in which case he would go to a penitentiary—and some of the prisoners prefer that—a magistrate or a judge may award two years and ten lashes. I wonder what is the reasoning behind that? Is the magistrate trying to give the man a short sentence and satisfy public opinion which may hold he should have got a longer sentence? I know that many magistrates and judges are overworked and sometimes not in full possession of the facts, and they sometimes sentence a man on an emotional basis based on the way they feel at a particular time. Perhaps our magistrates need more assistance, but I do think from what I have seen today in Burwash that corporal punishment serves no useful purpose as far as reforming men is concerned.

The magistrate gives over to the institutional authorities the responsibility for giving these men the strap or the lash. Does he expect that the authorities in the institution are going to carry it out if a man has been of good conduct all the way through his sentence and has been a help in the institution, and has served "good time"? They may go through the motions, and very often they do to satisfy the sentence; but I do not feel that the magistrate should turn over the responsibility for that type of punishment to the superintendent of an institution. I wonder whether he should include it in the sentence at all. Perhaps I should not even be speaking of something which does not concern my profession. It is just a personal opinion.

I hope I have not "sat on the fence" on this issue. I do feel that corporal punishment is necessary to control inmates in an institution until we have better trained staff. It is not a question which psychiatrists alone can decide. The

superintendent is in a very difficult position. He has to obtain the loyalty of his custodial officers, and he has to be fair and square in his disciplining of a transient population. In Burwash in 1952, 800 men were admitted, and 800 or so discharged. So you have a moving population of difficult behaviour problems, and you are trying to maintain control and at the same time teach your custodial officers not to take the law into their own hands, as it were, in disciplinary matters but to let the superintendent carry out his responsibilities. Some individuals in the institution with whom I have worked have felt that my attitude in selecting cases was all wrong—that the inmate would have preferred to have been strapped and sent back to work, but I feel that in the case of these emotionally-disturbed people to take that course would be to drive their normal feelings deeper and create still greater disturbances. I do not believe you will reform people by driving their feelings in. Feelings are like electricity. If you leave a battery alone, eventually it will digest itself. If you drive back emotions, you are going to get a physical disease or a sudden outburst of disturbed behaviour, which would be akin to lightning. But if you can control feelings and develop them into constructive effort, I think you are working toward reform.

I cannot think of anything more which I want to say, Mr. Chairman. Perhaps you would now like me to answer some questions.

The PRESIDING CHAIRMAN: Very well, we will begin our customary round of questions commencing with Miss Bennett.

Miss BENNETT: At the commencement of your remarks, doctor, you made a suggestion—if I can recall your words—that if the superintendent did not discipline prisoners by, probably, a strapping, the inmates themselves or an officer under the superintendent would do it secretly. What did you mean by that?

The WITNESS: In the instance I mentioned, a young inmate had assaulted an elderly inmate for no apparent reason. It is quite common to find an inmate who has suffered at the hands of his fellows in an institution. I have seen it quite often. That is because of some infraction which the individual has had with his fellow inmates. I think the inmates are people, and they have normal feelings, and they would not like to see one of their fellows beating up an old man in any circumstances and they would eventually gang up on that individual or make him suffer.

Miss BENNETT: What was worrying me was your reference to officers working under the superintendent doing this secretly. Does the superintendent not have complete control of his staff at all times?

Mr. WINCH: You meant, doctor, that it would be the inmates who would do the beating up, not the staff?

The WITNESS: The inmates...

Miss BENNETT: I wondered what the control is in this institution.

The WITNESS: There are certain members of the staff who would have no compunction about beating an individual if they were not satisfied that proper disciplinary measures were being carried out in the institution.

The PRESIDING CHAIRMAN: Let us understand this. Do you say there would be no compunction on the part of the staff?

The WITNESS: Certain members of the staff would take the disciplinary problem into their own hands and deal with it.

Mr. FAIREY: Do you know of such cases?

The WITNESS: Not in Burwash.

Mr. FAIREY: Have you observed that in other institutions?

The WITNESS: No. I have heard of it in other institutions.

Miss BENNETT: There is one other point. You spoke about a judge ordering a flogging—I presume you were referring to a flogging at the end of a sentence when you cited the case of a man who had been orderly in his conduct—where the superintendent does not want to administer the flogging, and just “goes through the motions”?

The WITNESS: Yes.

By Mrs. Shipley:

Q. I was impressed with the improvement which appears to have taken place at Burwash in that less frequent sentences of corporal punishment are necessary. Have you any knowledge as to whether or not the superintendent of a provincial jail must make a report to the attorney general or to some other official when corporal punishment is administered? Is he under any compunction to report to anyone?—A. Yes, they are obliged to report corporal punishment. It is their responsibility. They must ensure that all other methods of discipline have been carried out before corporal punishment is decided upon, and in cases where a psychiatrist is available there must be a psychiatric consultation.

Q. That is the provincial law here?—A. I do not think it is a provincial law. I think it is a directive.

Q. Well, a directive. Are they really active in checking on the amount and nature of corporal punishment?—A. I cannot answer that question. I do not even know whether they check on what is done at Burwash.

By Hon. Mrs. Fergusson:

Q. Did I understand you to say, Dr. Dixon, that all the inmates are recidivists?—A. At Burwash there is the odd first offender who has been sent there for some special reason—because he has committed arson, or something of that nature.

Q. Would you have any knowledge of whether one of these people who had been sentenced and who had received corporal punishment would be any different from a person who had received corporal punishment as part of his penalty, in the matter of recidivism? Would there be any difference between a person who had received corporal punishment as part of his penalty and a person who had not, in the matter of recidivism?—A. I have seen many old inmates in Burwash. One, for instance, went there at the age of 16 in 1922. Why he was ever in Burwash I do not know, but he was sent there as a boy of 16 for trafficking in drugs or for taking drugs, and was punished during his first year with the strap for some minor infraction of discipline. When I saw him he was 48 years old, and a bitterly hostile inmate who created disturbances every time he came to Burwash. I saw him at the request of Mr. Sanderson who was keeping a very close watch on him, and I was able to secure the cooperation of this man to such an extent that for the next 13 months of his sentence he gave no trouble at all to the institution. That man was extremely frightened to be referred to a psychiatrist. At the time he was awaiting corporal punishment for disturbed behaviour. As I said, when he came to me he was extremely frightened and thought we were going to send him to a mental institution, and as a result he was somewhat hostile. However, when it was explained to him that we wanted to try to understand the reasons for his behaviour and that we wanted to help him, not to punish him, he began, over a period of time, to cooperate in the interest which was being taken in his personal problems. A man of Latin-Irish extraction, he began to write out his life history in order to save time in arriving at the basis of his problem. We went into his life history and so on, and he said that if he had received that sort of counselling, or opportunity to discuss his problems the first time he was in Burwash he would have been a far different man. Instead of having wasted his life he would have done something

constructive. And many of the inmates I have examined have felt this way. You must remember that I have examined at least 200 a year, and many of these have a long record of repeated sentences at Burwash, and they have also received corporal punishment at various times; sometimes twice in one week they have been strapped in the past, and it has had absolutely no effect in reforming them.

Q. Almost the contrary?—A. The contrary. It has driven their feelings in; their resentment and hostility has been focussed on the institution, and if you send that man back to a gang, immediately he becomes a hero and the centre of all resentment to authority in that gang. He becomes a leader.

By Mr. Mitchell (London):

Q. I presume that, as a result of these studies which you have made over the period of the past few years, you are satisfied that the figures, perhaps not in 1951, but in 1952, 1953 and 1954, indicate cases where corporal punishment not only was warranted, but where it performed some part of an active treatment?—A. Yes. They represent only a few of the cases which were referred to me in those years.

Q. Yes. In other words, the reduction is a result of the intervention of yourself into the thinking of the prison authorities?—A. I would not say that entirely. In this case, I give great credit to the superintendent there who is an extremely understanding man and with whom it has been very easy to cooperate in any plan of treatment of these individuals.

Q. Did these strappings all result from violence?—A. No. In every case of refusal to work. For instance, sometimes it does not seem like a serious thing right here, but if you take a custodial officer who is out on a job with say 16 men and there are only two or three custodial officers and a man comes into that gang who may be an ex-penitentiary inmate or maybe a recidivist with a very bad background who is incorrigible, and that group is working cooperatively and getting along and putting in good time, when he starts agitating the group over a period of time, there is a gradually increasing awareness on the part of the custodial officer that this man is undermining discipline, gradually working the gang up towards a mass break or something of that kind; the guard pays more attention to that individual, puts him into jobs where he can keep an eye on him, and keeps him segregated from the rest of the men. When the inmate realizes that he is under close supervision, he refuses to work.

Q. You feel that the strap is justified as being an immediate punishment rather than one of the longer term punishments?—A. You have to be very careful because sometimes a person who precipitates the refusal to work is not always the man who refuses. For instance, a very smart inmate may get a mental defective in the group to refuse to work and he will tell him that he will back him up to the full and this man makes a break from the group or refuses to work. To punish the defective would be ridiculous. There must be some investigation of those who start the disturbance.

Q. There is one other question having to do with the strap as ordered by the court. I think that I gathered from your evidence that you do not think it should be imposed at all, although in answering a question from Miss Bennett you indicated that the part you were most strongly against was the second half of the strapping?—A. Yes. Well, I feel that if you are going to use the strap at all you must be sure in your mind that you are dealing with a person who is a disciplinary problem. Now, I wonder if sometimes when the strap is part of the sentence whether the magistrate realizes that this man may be mentally ill and that the mental illness may be part of the

contributing factor to his offence. He may be mentally ill and if you include the strap as part of the sentence it must be wiped out at the institution. It is too long range to be effective in any way that I can see.

Mr. MITCHELL: Thank you.

By Mr. Montgomery:

Q. Mr. Chairman, there are one or two questions I would like to ask the doctor. I gather from your presentation, doctor, that, in cases where corporal punishment is to be administered, it should be applied promptly?—A. No. In cases where an individual commits an offence which would require corporal punishment I would recommend that other forms of punishment be used, and corporal punishment only used in cases where a severe infraction is repeated and there are no other factors present such as mental deficiency, epilepsy or other physical or mental disability.

Q. You believe that it should be used as a last resort?—A. Yes.

Q. And in the institution chiefly?—A. As a means of control.

Q. There is one other question which comes to my mind. You were speaking about the man who was 40 and was in several times from the time he was 16. Has sufficient time elapsed, since your conversations or interviews with him, that you know he has gone out and commenced to reform? Have you any way of following these people?—A. There is no follow up of the cases. I saw this man about the middle of March when he was leaving the institution and he was very anxious to try out some new methods of treatment to see if he could get away from the use of drugs.

Hon. Mrs. HODGES: He remained a drug addict all those years.

The WITNESS: Yes.

By Mr. Montgomery:

Q. While he was in the institution, he would not be able to get any drugs?—A. No.

Q. But you do not think that is a sufficient time to cure him of his disease?—A. There is a lot of reform work needed after the inmate leaves an institution. It is a very difficult period for a few months afterwards.

Q. But there is no follow up?—A. Not that I know of.

Mr. MONTGOMERY: Thank you very much.

By Mr. Winch:

Q. Mr. Chairman, I have two or three questions I would like to ask the doctor. Of the 41 who have received corporal punishment since 1951 when you went to Burwash, have you interviewed any or all of these 41 after they received the corporal punishment, and have you interviewed afterwards any of those who have been placed in solitary or in disassociation?

The PRESIDING CHAIRMAN: Could I suggest, Mr. Winch, that you divide your question into several parts.

Mr. WINCH: I was going to ask: if so, what is the reaction of the two types?

The WITNESS: I have interviewed several of these individuals after corporal punishment. All I can say about the effect of corporal punishment on these individuals is that it has controlled them from being a menace to the security of the institution.

By Mr. Winch:

Q. What was their own reaction? Were they still aggressive against society and to discipline?—A. Still aggressive and still hostile.

Q. It has only meant that for the time being it has curtailed their hostility, but for the long term there has been no reformation?—A. None.

Q. Have you interviewed any of those who have been in solitary, and what is the result of the incarceration?—A. I have interviewed many of them and have discussed it with Mr. Sanderson?

The PRESIDING CHAIRMAN: Who is Mr. Sanderson?

The WITNESS: The superintendent at Burwash. I have interviewed many of them as to the effect of confinement. Within varying lengths of time these men have asked to be taken out of confinement and have agreed to try to earn back their privileges. The privileges are not given back to them immediately. They earn them back. They are taken out of confinement and left in segregation and they are allowed the privilege of going to a show. If there is any recurrence of their disturbed behaviour, then they start back at the bottom again and work up. I have interviewed several of them at varying times following confinement and they have gradually learned to accept the responsibility for their actions while in the institution.

Q. Could I ask whether the doctor has formed any conclusions as to the length of time a person should be allowed to spend in solitary, or what as a psychiatrist would be your thoughts if a man was incarcerated say 8 or 9 months in solitary. What would be the effect?—A. I have never seen that length of time. I did examine a group of men from the Guelph riot who were in North Bay jail under very close supervision and two of those men were suffering from mental breakdown.

Q. As a result of solitary?—A. They were not in solitary, they were in a corridor as a group. They were not absolutely confined by themselves; they were in one group.

Q. I did not get the exact wording, but I gathered from a remark of the doctor toward the end of his presentation that he was in favour of the retention of corporal punishment for purposes of discipline and I think he said "while they have the problem of the staff who do not understand how to handle these individuals". Was I correct in that impression?—A. I believe that the custodial men in these institutions have done a wonderful job with very little training in the ordinary every day understanding of behaviour disturbances. I think that it is our job in psychiatry and in the social sciences and psychology to assist these men and teach them some of the methods which can be used in handling severe behaviour disturbances.

Q. Can I put it this way? In your opinion, is the problem not only the behaviourism and emotions of the inmates but also the problem of the staff is understanding of the inmates and that we have not gotten to that position yet?—A. Yes.

Q. And the inmate is having to suffer because of a problem in staff?—A. That is right.

Hon. Mrs. HODGES: Could you not put it the other way around, that the staff is having to suffer too because of the problems of the inmates?

By Mr. Winch:

Q. Yes, but that was the opinion of the doctor which I think is very interesting.—A. I think it is common experience that the psychiatrist suffers along with his patient. In dealing with difficult individuals, it is very exacting and there is a great strain on the people dealing with these people day after day. For instance, in a school for behaviour-problem children they have to change the supervisory staff every hour because it is such exhausting work looking after these difficult children, and it would apply the same way to the custodial staff looking after particularly disturbed inmates. The majority of the inmates serve their time quietly, but there is a certain segment of them

who require a great deal of special investigation and in those cases possibly the need is for classification and segregation of the inmate before he is ever put in an institution of this kind.

By Mr. Fairey:

Q. Mr. Chairman, I think that most of my points have been covered but I would like to review them. I notice the great improvement over four years in the number of strappings in institutions. That is due, I suppose, to the greater awareness of the greater effectiveness of these other measures of control such as lack of privileges, segregation and so on, and a greater use of them rather than strapping?—A. Yes.

Q. You said that junior officers may take the law into their own hands but you said that you had no knowledge of any such case.—A. No.

Q. But you think it does happen?—A. We think it would be natural if it did happen.

Q. That leads me to say that the superintendent has not control of his own staff if that could happen. It could not happen in the army for instance?—A. No, it is not supposed to.

Mr. WINCH: I have known of it. "Take off your tunic and go behind the building."

By Mr. Fairey:

Q. As to the sentence of strapping by a judge, I was rather interested that sometimes in the carrying out of that sentence they may just go through the motions rather than actually administering the strap. Is that a fact?—A. Yes.

Q. Would you agree with me in this that the whole question of corporal punishment is a relic of the past? I am thinking of the old days where we had field punishment No. 1 in the army and a lot of strapping, and now because of a greater respect for the law and a better feeling towards society, we have gradually eliminated that and that is why we feel there is less need for corporal punishment nowadays than in the past.—A. I do not know whether I agree with all your statements there because, as I have pointed out, the veneer of civilization is so easily stripped off when you come into a mass group of men.

Q. Or that we have found better methods?—A. We have better scientific methods which can be utilized to reform people rather than to discipline them in a punitive way.

Q. There was a reference to repeated strappings. You mentioned somebody having been strapped more than once in a week?—A. Yes.

Q. Is that rather common, that a recalcitrant person may be strapped frequently?—A. It was, I believe, from the records.

Q. And it did no good in your opinion?—A. No.

Q. Then why retain it at all?—A. Why retain any corporal punishment?

Q. Yes, if it does not do any good?

The WITNESS: I think that if you take away corporal punishment you have got to put something in its place and what you put in its place is education.

By Mr. Fairey:

Q. You did suggest some segregation?—A. Those are more extreme disciplinary measures. In order that rioting, destruction of government property and so on can be controlled, we have to retain corporal punishment until we can utilize the scientific knowledge which we have obtained.

Q. Just effective control for the time being?—A. That is a growth process which just cannot be applied from the outside. It has to come from the inside.

Mr. LEDUC: I have no questions, but I wish to say that I have been very impressed by the remarks made by this witness.

Mr. Cameron (High Park):

Mr. CAMERON (*High Park*): I would like Dr. Dixon to put on the record his professional qualifications. They should have been put on the record at the beginning. You are an expert, doctor, and I would like to have your qualifications on the record.

The WITNESS: I am a graduate of the University of Toronto. I graduated in 1943 and served in the army as a regimental medical officer at first and then I took the army course in psychiatry.

The PRESIDING CHAIRMAN: You graduated from the University of Toronto as . . .

The WITNESS: As a medical doctor. I took the army course in psychiatry in 1944 and was a travelling psychiatrist up until the end of the war. I was a general practitioner in Sudbury for 2½ years.

The PRESIDING CHAIRMAN: Medical practice, not psychiatry?

The WITNESS: Yes.

Mr. CAMERON (*High Park*): You are now at Sudbury and visit Burwash from time to time?

The WITNESS: Yes.

Mr. BLAIR: Doctor, perhaps you should put on the record your specialist training.

The WITNESS: In 1948 I returned to the University of Toronto for two years post-graduate training in psychiatry and neurology. Since 1950 I have been director of the mental health clinic in Sudbury.

Mr. CAMERON (*High Park*): That is very interesting Dr. Dixon.

Just *a propos* of what Miss Bennett said in regard to the possibility of an inmate or some junior custodial officer taking the law into his own hands, that was not because you had any personal experience, but because you thought that the superintendent should really have that authority so that such prisoners would realize that, at the proper time, the proper treatment would be administered?—A. Yes.

Q. You would not approve of a person who was in jail being given corporal punishment?—A. No.

Q. Why do you draw the distinction between the jail and an institution such as Burwash? Is it on account of the length of the sentence?—A. Burwash is an open institution, and a jail is a closed institution where there are only short-term inmates. Most jails are fairly well equipped as far as security is concerned. There is maximum security in the jail, and you can segregate an inmate in a jail very quickly.

Q. That is in line with your opinion that corporal punishment should be reserved only as a last resort and as a disciplinary measure?—A. Yes.

Q. I would like to have your opinion on this case. You mentioned an inmate who inflicted injuries by assaulting a much older inmate. Suppose, as it happened, that a young person assaults an older person and inflicts very serious injuries on that person—a brutal beating up—there is no other crime, and the case appears before the magistrate and the offence is proved. I can understand in Burwash it is a family affair so you apply the family discipline to someone who breaches the rules and regulations. But, this is a whole city interested here; here is a man brutally beaten up and the magistrate himself cannot inflict the punishment. Do you still feel that in a case such as that, that corporal punishment would be the wrong type of punishment to inflict with the comparatively short sentence as it likely would be?—A. I would rather see the

man get a long sentence. I cannot see what deterrent effect or what reformatory effect corporal punishment is going to have on that individual. Perhaps it will have some effect. As far as treatment or reformation is concerned, I am doubtful about the effectiveness of corporal punishment.

Q. But it did have a beneficial effect when it was applied to the inmate in Burwash?—A. I do not know whether—

Q. Maybe not on the inmate, but certainly on the rest of the inmates?—A. I do not know whether it had any effect on reforming that individual who assaulted the old man, but it had an effect in preventing a breach of discipline in the institution.

Mr. CAMERON (*High Park*): What I am trying to say is that to me it appears that there is a certain amount of equality—this is the discipline that the public demand should be inflicted on one of their members who has done something very wrong.

Mr. FAIREY: So, is not the point, that we are saving this individual from a beating by his comrades, an admission that it would be possible for the public to take the law into their own hands and beat up somebody who had offended them?

By Mr. Cameron (High Park):

Q. I was just trying to make up my mind to my own satisfaction as to whether there is a distinction between the two.—A. There is a close analogy. I wonder whether the magistrate has as full a knowledge of the inmate he sentences compared to the inmates in the institution. There may be many reasons why that inmate is sentenced to that punishment—

Q. That may or may not be the case. In some jurisdictions, say in Toronto, if the magistrate has any doubt he can refer the accused to a psychiatrist for treatment and a report before he passes sentence. In other cases I suppose there is no such psychiatric service available.—A. I think the ideal thing is to have cooperation between the psychiatrist and the person who is going to administer justice in the institution.

Mr. CAMERON (*High Park*): Thank you very much.

By Mr. Leduc (Verdun):

Q. I think you said a few minutes ago that, if corporal punishment had to be withdrawn, it would have to be replaced by something else, but you did not mention, Dr. Dixon, what you had in mind.—A. It would be a greater utilization of those other forms of discipline I have mentioned, plus more adequate training of custodial staff in methods of handling behaviour problems.

Q. In prison. But outside, when a case has to be decided by a judge, if you replace corporal punishment, do you suggest something else?—A. A longer prison term.

Mr. LEDUC (*Verdun*): Thank you.

Hon. Mrs. HODGES: My question has been asked by Mr. Cameron.

By Mr. Blair:

Q. Dr. Dixon, you have referred to some figures. I wonder if you can submit them to us, and perhaps have them printed as an appendix to the testimony?—A. I could, if the names were deleted from the back part. (*See Appendix*).

Q. Perhaps you could indicate for the record what the tables are?—A. The first table deals with the various methods of disciplinary action that were taken against the men in 1952. The second is a comparison from 1951 to the present time of the various men who received corporal punishment and whether they were sentenced by the superintendent or a judge as part of their sentences.

Q. I take it there was a change of superintendent?—A. Yes, in 1952. There were three months when both superintendents were acting.

Q. Is the superintendent who left still in the Ontario prison system?—A. Yes, he is.

Q. Has he gone to another institution?—A. Yes.

Q. Which?—A. He is at Guelph.

Q. And the third table, Dr. Dixon?—A. The third table shows why the men were strapped—mutinous conduct, refusal to work, et cetera.

Mr. FAIREY: Can you indicate the total population of Burwash?

The WITNESS: The floating population is approximately 800 a year, but the static population is 700.

By Mrs. Shipley:

Q. May I interject on this subject to ask if you have figures for other jails.—A. No, I have not.

Q. Do you know whether they are obtainable from the prison authorities or from the jail authorities?—A. I do not know whether they would be or not.

Mrs. SHIPLEY: Mr. Chairman, may I suggest that our counsel attempt to get them as I understand that there is a great difference in the figures. It would be interesting if this committee could compare the number of corporal punishments at one provincial jail with the total in another similar institution.

The PRESIDING CHAIRMAN: Would that be agreeable to the committee? Very well.

Mr. MONTGOMERY: I cannot see that those figures will be of much benefit to us. The table would not tell us very much. There may be a different type of staff there; there may be a different type of inmate there.

The PRESIDING CHAIRMAN: We can get it for what it is worth.

The WITNESS: I think the same principles apply no matter what the age of the inmate. I do not think the strap should be used more frequently in the case of younger men than in the case of older men.

Mr. MONTGOMERY: You think the system is consistent between the institutions?

The WITNESS: I cannot speak from first-hand knowledge of any other institution. I have no figures from any of the other institutions, for instance, from Guelph, as to how frequently the strap is used and for what reason.

Mrs. SHIPLEY: I submit, Mr. Chairman, that we can learn something from those figures. If there is a great difference we might be able to find out what caused the difference. It would be knowledge which might be useful for us to know.

The PRESIDING CHAIRMAN: We have already directed that we shall get the information for whatever it is worth.

By Hon. Mr. Garson:

Q. Can the witness tell us whether the more difficult cases tend to be concentrated in some institutions rather than in others. Do you get more difficult cases in Burwash than in Guelph?—A. I would estimate that 25 per cent of the inmates at Burwash are ex-penitentiary inmates.

Q. And they are all recidivists?—A. Yes.

Q. And that is not true of Guelph?—A. No.

Q. Then there is a difference in the character of the prisoners, taken as a group, in the one institution as compared with the other?—A. I would think so.

Q. That might be one explanation for differences in the use of corporal punishment in one institution as compared with another?—A. I would expect that we would have more chronic and more difficult cases in Burwash.

Q. That is the difficulty of getting statistics—if we do not have the whole story, they might be more misleading than otherwise.

By Mr. Blair:

Q. I wonder if Dr. Dixon would mind giving us an estimate of the number of prisoners he has interviewed in his experience who have received corporal punishment?—A. I have not got any actual records, but I would estimate that, if I were seeing 200 behaviour disturbances per year at Burwash, at least 75 per cent of these would be recidivists, and perhaps the conduct of maybe 50 of those has led to their receiving corporal punishment in their previous sentences. That is just an estimate from my clinical experience.

Hon. Mr. GARSON: You say that if you see 200, at least 75 per cent would be recidivists. You previously told us that they are all recidivists.

The WITNESS: They are, too. I was thinking of cases where sometimes a recidivist has had a short sentence in jail for a breach of the Liquor Control Act or something of that nature, and he is over 21, and is sent to Burwash for that reason. He is not a confirmed recidivist.

By Mr. Blair:

Q. Over a period of three or four years, then, you would have interviewed upwards of 150 men who have had corporal punishment.—A. Yes, but I must say that that is a very theoretical answer because I have not kept any records and I do not always consult the previous files of the inmates.

Q. The suggestion has been made here that corporal punishment might have some utility as a judicial sentence against young offenders and that it might be used in such cases in preference to a sentence of imprisonment. I wonder whether you have any comment to make on that suggestion?—A. I do not think it would have any effect on the young prisoner. I think you must get at the cause of the trouble, and you must treat the cause, and you will not get at the cause by flogging him.

The PRESIDING CHAIRMAN: Are there any more questions?

If there are no more questions I want to thank Dr. Dixon for his attendance here today, and the assistance he has given to the committee.

Thank you very much, Dr. Dixon.

(The Committee proceeded *in camera*. See Minutes.)